

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

WILBERT JACKSON,

Plaintiff,

v.

BIG LOTS STORES, INC and JOHN DOE,

Defendant.

Civil Action

File No.: 1:20-cv-2954-LMM

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**CONSENT MOTION TO SUBSTITUTE PNS STORES, INC. AS A DEFENDANT AND  
TO DISMISS BIG LOTS STORES, INC. WITHOUT PREJUDICE**

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COMES NOW Plaintiff and Defendant, by and through undersigned counsel, and moves this court to substitute PNS Stores, Inc. as a Defendant for Big Lots Stores, Inc.

The parties state PNS Stores, Inc. is the entity that owned, operated, managed, and controlled the retail store where the events alleged in Plaintiff's complaint occurred. The parties state Big Lots Stores, Inc. is not a proper party to the case, as it did not own, control, manage, or operate the subject retail store. Therefore, the parties move this court to enter an order adding or substituting PNS Stores, Inc., a necessary and proper defendant, pursuant to FRCP 19 and 25. The parties also move the court to dismiss Big Lots Stores, Inc. without prejudice since it is not a proper party. The style of the case should be amended to be Wilbert Jackson v PNS Stores, Inc., and John Doe.

PNS Stores intends to acknowledge service immediately upon the court entering an order adding it to the case. A proposed order is attached for the court's review.

This 25<sup>th</sup> day of September, 2020.

Goodman McGuffey LLP  
Attorneys for Big Lots Stores, Inc.

Prepared and Consented to By: /s/Robert E. Noble, III  
ROBERT A. LUSKIN  
GA State Bar No. 004383  
rluskin@GM-LLP.com  
ROBERT E. NOBLE, III  
GA State Bar No. 261331  
rnoble@GM-LLP.com  
3340 Peachtree Road NE, Suite 2100  
Atlanta, GA 30326-1084  
(404) 264-1500 Phone  
(404) 264-1737 Fax

NICHOLS LAW, P.C.  
Attorneys for Plaintiff

Consented to by: /s/Titus T. Nichols w/expressed permission  
TITUS T. NICHOLS  
Georgia Bar No. 870662  
400 Galleria Parkway, SE, Suite 1500  
Atlanta, Georgia 30339  
Telephone: (678) 722-5311  
Facsimile: (470) 632-4446  
Email: Titus@nlglawyer.com

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**CERTIFICATE OF SERVICE**

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This is to certify that I electronically filed this **Consent Motion To Substitute Parties** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Titus T. Nichols  
Nichols Law, P.C.  
Suite 1500  
400 Galleria Parkway, SE,  
Atlanta, Georgia 30339  
titus@nlglawyer.com

This 25<sup>th</sup> day of September, 2020.

/s/Robert E. Noble, III  
ROBERT E. NOBLE, III  
GA State Bar No. 261331  
rnoble@GM-LLP.com  
Goodman McGuffey LLP  
3340 Peachtree Road NE, Suite 2100  
Atlanta, GA 30326-1084  
(404) 264-1500 Phone  
(404) 264-1737 Fax